

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE NINE WEST LBO SECURITIES	:	Case No.: 1:20-md-02941-JSR
LITIGATION	:	
	:	<b>NOTICE OF MOTION</b>
Pertains to All Associated Actions	:	
	:	
_____	X	

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, dated June 29, 2020, and the Declaration of Andrew G. Devore dated June 29, 2020 and the exhibits thereto, the defendants as identified in the signature pages to this Notice of Motion will move this Court, before the Honorable Jed S. Rakoff, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, on August 13, 2020 at 10:00 a.m., or at such date and time as the Court determines, for an order dismissing with prejudice the complaints filed against them in the above-captioned actions by Plaintiffs Marc S. Kirschner, as Trustee for the NWHI Litigation Trust, and Wilmington Savings Fund, FSB, as successor indenture trustee for the 6.875% Senior Notes due 2019, the 8.25% Senior Notes due 2019, and the 6.125% Senior Notes due 2034 of Nine West Holdings, Inc., pursuant to Federal Rule of Civil Procedure 12(b)(6) and the safe harbor set forth in 11 U.S.C. § 546(e), and granting such other and further relief as the Court deems appropriate.

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Dated: June 29, 2020

Respectfully submitted,

/s/ Gregg L. Weiner

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USA Small Cap Equity Index Fund; Brighthouse  
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Series; Columbia Management Investment  
Advisers LLC; Columbia Multimanager  
Alternative Strategies Fund; Diversified Alpha  
Group Trust; DWS Investment Management  
Americas, Inc. f/k/a Deutsche Asset Management;  
DWS Small Cap Index VIP; Extended Equity  
Market Fund a/k/a Blackrock Institutional Trust  
Company, N.A. Extended Equity Market Fund;  
Extended Equity Market Master Fund B; FIAM  
LLC a/k/a Fidelity Institutional Asset Management  
f/k/a Pyramis Global Advisors; Fidelity Asset  
Allocation Currency Neutral Private Pool; Fidelity  
Asset Allocation Private Pool; Fidelity Balanced  
Currency Neutral Private Pool; Fidelity Balanced  
Income Currency Neutral Private Pool; Fidelity  
Balanced Income Private Pool; Fidelity Balanced  
Private Pool; Fidelity Concord Street Trust -  
Fidelity Extended Market Index Fund; Fidelity  
Concord Street Trust - Fidelity Total Market Index  
Fund; Fidelity Income Allocation Fund f/k/a  
Fidelity Monthly High Income Fund; Fidelity  
Investments; Fidelity Investments Charitable Gift  
Fund; Fidelity Monthly Income Fund; Fidelity  
Northstar Fund; Fidelity Small Cap Index Fund;*

*Fidelity Total Market Index Fund; FlexShares Morningstar US Market Factor Tilt Index Fund; Geode Diversified Fund, a Segregated Account of Geode Capital Master Fund Ltd. f/k/a GDF1, a Segregated Account of Geode Capital Master Fund Ltd.; iShares Europe; iShares Morningstar Small-Cap Value ETF; iShares MSCI USA Small Cap UCITS ETF; iShares Russell 2000 ETF; iShares Russell 2000 Value ETF; iShares Russell 3000 ETF; JNL/DFA U.S. Small Cap Fund c/o Jackson National Asset Management LLC; Master Small Cap Index Series of Quantitative Master Series LLC a/k/a iShares Russell 2000; MSCI U.S. IMI Index Fund B2 a/k/a Blackrock MSCI U.S. IMI Index Fund B2; Northern Small Cap Core Fund; Northern Small Cap Value Fund; Northern Small Cap Index Fund; Oppenheimer Global Multi Strategies Fund; Pacific Select Fund – PD Small-Cap Value Index Portfolio; Pacific Select Fund – Small-Cap Equity Portfolio; Pacific Select Fund – Small-Cap Index Portfolio; Pentwater Capital Management LP; Principal Funds, Inc. (Global Multi-Strategy Fund); Principal Funds, Inc. (SmallCap Value Fund II); Principal Variable Contracts Funds, Inc. (SmallCap Value Account I); ProShares Trust (ProShares Merger ETF); Russell 2000 Alpha Tilts Fund B; Russell 2000 Index Fund; Russell 2000 Index Non-Lendable Fund a/k/a Blackrock Russell 2000 Index Non-Lendable Fund; Russell 2000 Value Fund B; Russell 2500 Index Fund a/k/a iShares Russell Small/Mid-Cap Index Fund; Russell 3000 Index Fund a/k/a iShares Total U.S. Stock Market Index Fund; Russell 3000 Index Non-Lendable Fund; U.S. Equity Market Fund; U.S. Equity Market Fund B; Vanguard Index Funds (Vanguard Extended Market Index Fund); Vanguard Index Funds (Vanguard Small-Cap Index Fund); Vanguard Index Funds (Vanguard Small-Cap Value Index Fund); Vanguard Index Funds (Vanguard Total Stock Market Index Fund); Vanguard Institutional Index Funds (Vanguard Institutional Total Stock Market Index Fund); Vanguard Institutional Total Stock Market Index Trust; Vanguard International Equity Index Funds (Vanguard Total World Stock Index Fund); Vanguard Russell 2000 Value Index Trust; Vanguard Scottsdale Funds (Vanguard Russell 2000 Index Fund); Vanguard Scottsdale*

*Funds (Vanguard Russell 2000 Value Index Fund); Vanguard Valley Forge Funds (Vanguard Balanced Index Fund); and Vanguard World Fund (Vanguard Consumer Discretionary Index Fund)*

*I certify that each of the other signatories to this motion has agreed to the form and substance and that I have their consent to submit this motion electronically.*

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Marissa Parker

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Joseph T. Kelleher, *pro hac vice*

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*Street Global Advisors Russell 2000 Value Fund CTF*"); *State Street Russell 3000® Index Non-Lending Fund* (incorrectly sued as "*State Street Global Advisors Russell 3000 Index Fund*"); *State Street Russell 3000® Index Non-Lending Common Trust Fund* (incorrectly sued as "*State Street Global Advisors Russell 3000 Index Fund CTF*"); *State Street Russell All Cap® Index Securities Lending Series Fund Class I* (incorrectly sued as "*State Street Global Advisors Russell 3000 Index Fund SL Ser A*"); *State Street Russell Small/Mid Cap® Index Securities Lending Series Fund Class I* (incorrectly sued as "*State Street Global Advisors Russell Small Cap Fund Complete S/L A*"); *State Street Russell Small Cap Completeness® Index Non-Lending Fund* (incorrectly sued as "*State Street Global Advisors Russell Special Small Company Fund*"); *State Street Russell Small Cap Completeness® Index Non-Lending Common Trust Fund* (incorrectly sued as "*State Street Global Advisors Russell Special Small Company Fund CTF*"); *State Street U.S. Extended Market Index Securities Lending Fund* (incorrectly sued as "*State Street Global Advisors U.S. Extended Market Index Fund a/k/a U.S. Extended Market Fund SL*"); *Susquehanna International Group LLP*; the purported defendant sued as "*JPMorgan Systematic Alpha Fund*"; the purported defendant sued as "*State Street Bank MAYA Account Holder*"; and the purported defendant sued as "*State Street Global Advisors Total ETF*"<sup>1</sup>

*Targeted Value Portfolio*; *DFA Investment Dimensions Group Inc. U.S. Social Core Equity 2 Portfolio*; *DFA Investment Dimensions Group Inc. U.S. Vector Equity Portfolio*; *DFA Investment Trust Company Tax-Managed U.S. Marketwide Value Series*; *DFA U.S. Core Equity Fund*; *DFA U.S. Vector Equity Fund*; *Micro Cap Subtrust*; *Small Cap Value Subtrust*; *Tax-Managed U.S. Equity Series*; *U.S. Small Cap Subtrust*; *Nationwide Mutual Funds (Nationwide Small Cap Index Fund)*; *Nationwide Mutual Funds (Nationwide U.S. Small Cap Value Fund)*; *Nationwide Variable Insurance Trust (NVIT Multi-Manager Small Cap Value Fund)*; and *Nationwide Variable Insurance Trust (NVIT Small Cap Index Fund)*

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<sup>1</sup> "JPMorgan Systematic Alpha Fund," "State Street Bank MAYA Account Holder," and "State Street Global Advisors Total ETF," each of which Plaintiffs allege is a defendant in this consolidated multidistrict litigation, are not existing legal entities and therefore cannot be served with process, and reserve all service-related and other defenses.

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<sup>2</sup> Plaintiffs named as a defendant Merrill Lynch Investment, which is not an existing legal entity, and Merrill Lynch, Pierce, Fenner & Smith Incorporated reserves all rights and defenses.

/s/ Landon S. Raiford

Landon S. Raiford

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